

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

WAYNE BERRY,

Plaintiff,

vs.

DEUTSCHE BANK TRUST COMPANY
AMERICAS (F.A. BANKERS TRUST
COMPANY) AND JP MORGAN CHASE
BANK IN THEIR SEPARATE
CAPACITIES AND AS AGENTS FOR
THE PRE AND POST-PETITION
LENDERS OF FLEMING COMPANIES,
INC.; GENERAL ELECTRIC CAPITAL
CORPORATION; C&S Wholesale
Grocers, Inc., DOES 1 TO 200.

State of New York)
) ss:
County of New York)

I, Dan Shaked, being duly sworn, depose and says:

1. I am not a party to this action and am over 21 years of age.
2. I am employed in the law firm of Shaked & Posner, attorneys for Plaintiff Wayne Berry.
3. On September 19, 2007, I served true copies of the Plaintiff Wayne Berry's Brief in Opposition to Defendant C&S Wholesale Grocer's, Inc's Motion to Dismiss; Declaration of Timothy J. Hogan; Declaration of Wayne Berry and Affidavit of Service by depositing true copies of these documents enclosed in post-paid wrappers in an official depository under the exclusive custody and control of the United States Postal Service within the State of New York.

addressed as follows:

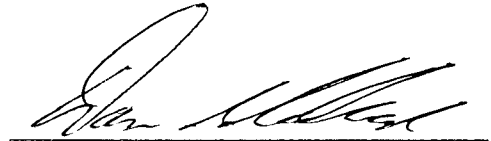
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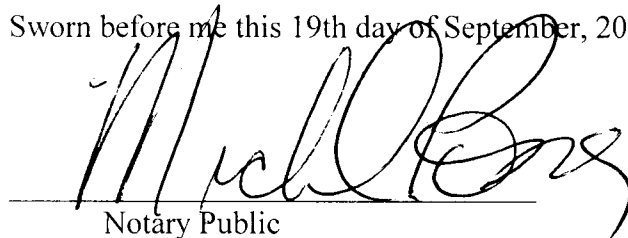
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Sworn before me this 19th day of September, 2007.



Notary Public

